IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.524 of 2006
In
Criminal Writ Petition No.310 of 2003

Narsing Vithoba Sargar — Applicant
Vs.
The State of Maharashtra & ors. — Respondents

Ms.Leena Patil h/f. Mr.P.M.Pradhan for applicant.
Mr.S.G.Deshmukh for resp.nos.2 and 3.
Mr.D.R.More, APP for State.

CORAM: B.H.MARLAPALLE, J.

September 10, 2007.

P.C.

. Heard Ms.Leena Patil holding for Mr.Pradhan, the learned counsel for the applicant - husband. This is an application for restoration of Writ Petition No.310 of 2003 and the office note states that the application is filed beyond time by 747 days.

. The learned counsel for the applicant states that the cases filed by Mr.Pradhan are not listed before Hon'ble Shri Justice A.M. Khanwilkar and Writ Petition No.310 of 2003 was wrongly listed which was not noticed by Mr.Pradhan or his Clerk and, therefore, the conditional order passed on 6th September 2004 could not be noticed.

. Delay is condoned subject to payment of costs quantified at Rs.2000/- and the cost amount shall be payable to the respondent - wife within a period of four weeks from today by depositing with the trial Court.

. The application is allowed in terms of prayer clause (b) and Writ Petition No.310 of 2003 is hereby restored subject to the condition that 50 per cent amount of the total maintenance now payable to the wife as per the order passed by the trial Court is deposited with the trial Court within a period of four weeks from today.

. Warrant is stayed for a period of four weeks.

(B.H.MARL